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*Pro Hac Vice*

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Attorneys for Plaintiff  
FIREMAN'S FUND INSURANCE COMPANY,  
a foreign corporation a/s/o BASIC RESOURCES, INC.  
and GEORGE REED, INC., a foreign corporation

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

FIREMAN'S FUND INSURANCE  
COMPANY, a foreign corporation  
a/s/o BASIC RESOURCES, INC.  
and GEORGE REED, INC., a foreign  
corporation,

Plaintiff,

vs.

GERLING AMERICA INSURANCE  
COMPANY, a foreign corporation,

Defendant.

CASE NO. C 07 06302 CRB

**PLAINTIFF'S NOTICE OF FILING THIRD  
SUPPLEMENTAL DECLARATION OF  
JON D. DERREVERE WITH RESPECT TO  
REQUEST FOR JUDICIAL NOTICE (D.E.  
36-1) AND IN SUPPORT OF PLAINTIFF'S  
FIREMAN'S FUND INSURANCE  
COMPANY, REPLY TO DEFENDANT'S  
GERLING AMERICA INSURANCE  
COMPANY OPPOSITION (D.E. 82) TO  
PLAINTIFF'S MOTION FOR SUMMARY  
JUDGMENT AND FOR ALL OTHER  
PURPOSES (D.E. 58) [F.R.C.P. 56]**

**Hearing Date: August 8, 2008  
Time: 10:00 a.m.  
Courtroom: 8**

Plaintiff, FIREMAN'S FUND INSURANCE COMPANY ("FFIC") a/s/o BASIC  
RESOURCES, INC. ("BASIC RESOURCES") and GEORGE REED, INC. ("GEORGE REED")

PLAINTIFF'S NOTICE OF FILING THIRD SUPPLEMENTAL DECLARATION OF JON D. DERREVERE WITH RESPECT TO  
REQUEST FOR JUDICIAL NOTICE (D.E. 36-1) AND IN SUPPORT OF PLAINTIFF'S FIREMAN'S FUND INSURANCE  
COMPANY, REPLY TO DEFENDANT'S GERLING AMERICA INSURANCE COMPANY OPPOSITION (D.E. 82) TO  
PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT AND FOR ALL OTHER PURPOSES (D.E. 58) [F.R.C.P. 56]

1 hereby files this Notice of Filing of Jon D. Derrevere's Third Supplemental Declaration with  
2 Respect to Request for Judicial Notice (D.E. 36-1) and in Support of Plaintiff FIREMAN'S FUND  
3 INSURANCE COMPANY's Reply to Defendant, GERLING AMERICA INSURANCE  
4 COMPANY's Opposition to Plaintiff's Motion for Summary Judgment.

5 DATED: 24th DAY OF July 2008.

6  
7 By:

8 JON D. DERREVERE  
9 Fla. Bar No.: 330132  
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12 *Admitted Pro Hac Vice*  
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19 Co-counsel for Plaintiff  
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27 PLAINTIFF'S NOTICE OF FILING THIRD SUPPLEMENTAL DECLARATION OF JON D. DERREVERE WITH RESPECT TO  
28 REQUEST FOR JUDICIAL NOTICE (D.E. 36-1) AND IN SUPPORT OF PLAINTIFF'S FIREMAN'S FUND INSURANCE  
COMPANY, REPLY TO DEFENDANT'S GERLING AMERICA INSURANCE COMPANY OPPOSITION (D.E. 82) TO  
PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT AND FOR ALL OTHER PURPOSES (D.E. 58) [F.R.C.P. 56]

**PROOF OF SERVICE**

*Fireman's Fund Ins. Co. v. Gerling American Ins.*

United States District Court, Northern District of California

Case No.: C 07 06302 CRB

I am employed in the City and County of West Palm Beach, State of Florida. I am over the age of 18 and not a party to the within action; my business address is: Derrevere, Hawkes & Black, 470 Columbia Drive, Building "B", West Palm Beach, Florida 33409.

On July 24th, 2008, I served the foregoing document(s) described as:

**PLAINTIFF'S NOTICE OF FILING THIRD SUPPLEMENTAL DECLARATION OF JON D. DERREVERE WITH RESPECT TO REQUEST FOR JUDICIAL NOTICE (D.E. 36-1) AND IN SUPPORT OF PLAINTIFF'S FIREMAN'S FUND INSURANCE COMPANY, REPLY TO DEFENDANT'S GERLING AMERICA INSURANCE COMPANY OPPOSITION (D.E. 82) TO PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT AND FOR ALL OTHER PURPOSES (D.E. 58) [F.R.C.P. 56]**

On the interested parties in this action by placing [ ] the original [X] a true copy thereof enclosed in a sealed enveloped addressed as stated below:

**[ ] BY REGULAR MAIL:**

I caused such envelopes to be deposited in the United States Mail at West Palm Beach, Florida with postage thereon fully prepaid. I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. It is deposited with United States postal service each day and that practice was followed in the ordinary course of business for the service herein attested to.

**[X] BY ECF:**

I HEREBY CERTIFY that on this 24th day of July, 2008, I electronically filed the foregoing document with the Clerk of Court using CM/ECF. I also certify that the foregoing document is being served this day on: TINO X. DO, Barger & Wolen, LLP, 650 California Street, 9<sup>th</sup> Floor, San Francisco, CA 94108, [tdo@barwol.com](mailto:tdo@barwol.com) and CHARLES K. BRUNN, Brunn & Flynn, 928 12<sup>th</sup> Street, Suite 200, P.O. Box 3366, Modesto, CA 95354, [CBrunn@Brunn-Flynn.com](mailto:CBrunn@Brunn-Flynn.com) via transmission of Notices of Electronic Filing generated by CM/ECF.

**[X] FEDERAL** - I declare that I am employed in the office of a member of the Florida Bar, admitted to practice in all Florida Courts and who makes this Pro Hac Vice Application, that our co-counsel and sponsor is a member of the bar of this California Court, and at their direction this service was made. Executed at West Palm Beach, Florida on July 24th, 2008.

NAME: *Deanna N. Menendez*

Signature:

*Deanna N. Menendez*

PLAINTIFF'S NOTICE OF FILING THIRD SUPPLEMENTAL DECLARATION OF JON D. DERREVERE WITH RESPECT TO REQUEST FOR JUDICIAL NOTICE (D.E. 36-1) AND IN SUPPORT OF PLAINTIFF'S FIREMAN'S FUND INSURANCE COMPANY, REPLY TO DEFENDANT'S GERLING AMERICA INSURANCE COMPANY OPPOSITION (D.E. 82) TO PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT AND FOR ALL OTHER PURPOSES (D.E. 58) [F.R.C.P. 56]